

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Cause No. 4:19-cr-29-TWP-VTW
)
MICHAEL A. DOYLE,)
)
Defendant.)

REPORT AND RECOMMENDATION

On October 26, 2022, the Court held an Initial Hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on September 30, 2022 (Docket No. 53). Defendant Michael A. Doyle appeared in person with his appointed counsel Jonathan Hodge. The government appeared by Barry Glickman, Assistant United States Attorney, via telephone, for AUSA William L. McCoskey. U. S. Probation appeared by Officer Shallon Watson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Mr. Doyle of his rights and provided him with a copy of the petition.
2. The parties requested a Revocation Hearing be set by the Court. Revocation Hearing was set for November 8, 2022 at 3:00 PM (Eastern).
3. On October 31, 2022, a Supplemental Petition for Warrant or Summons for Offender Under Supervision was filed (Dkt. 63).

4. On November 8, 2022, the Court held an Initial Hearing on the Supplemental Petition and a Revocation Hearing on both the Original and Supplemental Petitions.
5. The defendant appeared in person and with appointed counsel Jonathan Hodge. The Government appeared by William L. McCoskey, Assistant United States Attorney. The U.S. Probation Office was represented by Officer Shallon Watson.
6. The Court advised Mr. Doyle of his rights and provided him with a copy of the Supplemental petition.
7. The parties advised the Court they had reached an agreement to resolve the allegations in the Petition.
8. After being placed under oath, Mr. Doyle admitted Violation 3 of the Supplemental Petition (Dkt. 63).
9. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	"You shall refrain from any unlawful use of a controlled substance." On October 25, 2022, Mr. Doyle submitted to a urinalysis which tested positive for amphetamines.

10. The Government orally moved to withdraw Violation Number 1 and 2 of the Original Petition (Dkt. 53), and the same was GRANTED.

11. The parties stipulated that:
- (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant's criminal history category is VI.

(c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 24 months' imprisonment.

12. The government argued for revocation of the defendant's supervised release and requested a sentence of imprisonment of 21 months at the Bureau of Prisons, with no term of supervised release to follow. This recommendation is at the low end of the Guideline Range.

13. The defendant argued for a term of imprisonment less than the low end of the Guideline Range and requested the Court recommend the defendant for a drug treatment program while imprisoned.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant VIOLATED the condition in the Supplemental Petition, that his supervised release should be REVOKED, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 21 months with no term of supervised release to follow. The Court will make a recommendation for Defendant to take part in a drug treatment program while imprisoned.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 11/9/2022



VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system

United States Probation
United States Marshal